



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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सोमवार, मार्च १४, २०१६/फालुन २४, शके १९३७

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असाधारण क्रमांक २०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Co-operative Societies (Second Amendment) Bill, 2016 (L. A. Bill No. VII of 2016), introduced in the Maharashtra Legislative Assembly on the 14th March 2016, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

PRAKASH H. MALI,
Secretary (Legislation)
to Government,
Law and Judiciary Department.

L. A. BILL No. VII OF 2016.

A BILL

further to amend the Maharashtra Co-operative Societies Act, 1960.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take

Mah. XXIV of 1961. immediate action further to amend the Maharashtra Co-operative Societies Act, 1960, for the purposes hereinafter appearing; and, therefore, Mah. Ord. V of 2016. promulgated the Maharashtra Co-operative Societies (Second Amendment) Ordinance, 2016, on the 2nd March 2016;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows :—

Short title
and com-
mencement.

1. (1) This Act may be called the Maharashtra Co-operative Societies (Second Amendment) Act, 2016.

(2) It shall be deemed to have come into force on the 2nd March 2016.

Amendment
of section 2
of Mah. XXIV
of 1961.

2. In section 2 of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as “the principal Act”), for clause (14-A), the following clause shall be substituted, namely :—

Mah.
XXIV of
1961.

“(14-A) “functional director” means a Managing Director or a Chief Executive Officer by whatever designation called, nominated by the Committee; ”.

Amendment
of section
73AAA of
Mah. XXIV of
1961.

3. In section 73AAA of the principal Act, in sub-section (2),—

(a) for the second proviso, the following provisos shall be substituted, namely :—

“Provided further that, the Committee may nominate one person as a functional director :

Provided also that, in the case of such societies or class of societies, as the State Government may by general or special order notify, where the number of permanent salaried employees of the society is twenty-five or more, the committee shall include,—

(i) where the committee consists of not more than eleven members, one representative of the employees of the society ; and

(ii) where the committee consists of more than eleven members and not more than twenty-one members, two representatives of the employees of the society.

Such representatives of the employees shall be selected by the union or unions recognised under the Maharashtra Industrial Relations Act, or the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, from amongst the employees of the society. Where there is no such recognised union or unions or where there is no union at all or where there is a dispute in relation to such issues including whether a union is recognised or not, then such representatives of the employees shall be elected by the employees of the society from amongst themselves in the prescribed manner. No employee who is under suspension shall be eligible for being selected or elected or for being continued as a member of the committee under this proviso :

XI of
1947.
Mah. I
of 1972.

Provided also that, the representative of the employees selected or elected as per the provisions of the third proviso shall have the right to take part in the meetings of the committee, but shall have no right to vote therein.” ;

(b) for the third proviso, the following proviso shall be substituted, namely :—

“ Provided also that, in respect of the society having contribution of the Government towards its share capital, the committee shall also include following two members nominated by the Government, namely :—

(i) one Government Officer not below the rank of the Assistant Registrar of Co-operative Societies, and

(ii) one person having such requisite experience relating to the work of the society and such qualifications, as may be specified by the Government, by an order published in the *Official Gazette* : ”;

(c) the fourth proviso shall be deleted.

4. In section 73CA of the principal Act, in sub-section (1), in clause (vi), for the figures and letter “ 73A ” the figures and letters “ 73AAA ” shall be substituted.

Amendment of section 73CA of Mah. XXIV of 1961.

Mah. Ord. 5. (1) The Maharashtra Co-operative Societies (Second Amendment) V of 2016. Ordinance, 2016, is hereby repealed.

Repeal of Mah. Ord. V of 2016 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Section 73AAA of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961) provides for the constitution of committees of Co-operative societies registered or deemed to be registered under the said Act.

2. It had been observed that, as there was no sufficient representation to the employees on the committees of societies where the number of members of such committees was less than seventeen, the interest of employees of such societies was at stake. It was also observed that in the societies having contribution of the Government towards its share capital, with a view to safeguard the interest of the Government as well as such societies, there was a need to nominate a person, other than officer of the Government, having the experience relating to the work of such societies. It was, therefore, considered expedient to suitably amend sections 2 and 73AAA of the said Act.

3. The salient features of the then proposed amendments are as follows :—

(I) *Amendment of section 2.*—Clause (14-A) of said section 2 was proposed to be substituted to provide that the functional director shall mean the Managing Director or the Chief Executive Officer of the Society.

(II) *Amendment of section 73AAA.*—It was proposed to provide,—

(a) for appointment of functional director on the Committee;

(b) for appointment of representatives of the employees of the society on the committees of such societies or class of societies having twenty-five or more permanent salaried employees, as the State Government may, by general or special order, specify ;

(c) in case of societies having contribution of the Government towards its share capital, for appointment of an officer of the Government and another person, having requisite experience relating to the work of the society and possessing the qualifications specified by the Government, by an order published in the *Official Gazette*.

(III) An incidental amendment was also proposed to section 73CA of the said Act.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), for the purposes aforesaid, the Maharashtra Co-operative Societies (Second Amendment) Ordinance, 2016 (Mah. Ord. V of 2016), was promulgated by the Governor of Maharashtra on the 2nd March 2016.

5. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,
Dated the 10th March 2016.

CHANDRAKANT (DADA) PATIL,
Minister for Co-operation.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 3(a) and (b).— Under this clause, which seeks to substitute the second and third proviso to sub-section (2) of section 73AAA of the Maharashtra Co-operative Societies Act, 1960, power is taken to the State Government,—

(1) in the proviso, which proposes to substitute the second proviso, to notify, by general or special order, such societies or class of societies having twenty-five or more permanent salaried employees, where the committee shall include the representatives of the employees ;

(2) in clause (ii) of the proviso proposes to substitute the third proviso, to specify, by order published in the *Official Gazette*, the requisite experience relating to the work of the society and the qualifications required for nomination of a person by the Government on the society having contribution of the Government towards its share capital.

2. The above-mentioned proposals for delegation of legislative power are of normal character.